## FY 2009 AMERICAN RECOVERY AND REINVESTMENT ACT (RECOVERY ACT) LUST TRUST FUND **COOPERATIVE AGREEMENT WORK PLAN** TENNESSEE

public health and the environment and allow reuse of contaminated properties, while creating and/or preserving jobs. The outcome of this work plan will be leaking underground storage tank sites cleaned up to levels necessary to protect

Storage Tank Fund. [Reference: OSWER Directives 9650.10A and 9610.10A] Cooperative Agreement Guidelines, and OSWER Directive 9610.10A, Cost Recovery Policy for the Leaking Underground The Recovery Act funding opportunity and work plan must still comply with OSWER Directive 9650.10A, *LUST Trust Fund* 

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: <del>-</del>		•	DMINIS	TASK	ooperat	ub-Obje yntamin	bjective	Goal: Goal 3.
Develop and implement a site prioritization system that incorporates the priorities in Section 9003(h) of RCRA.	Obligate funds for contracts, subgrants, or similar transactions for at least 35 percent of the funds, and expend at least 15 percent of funds within 9 months of the award.	Identify all shovel ready sites to be addressed with Recovery Act LUST Trust Fund monies onto a Consolidated Budget in accordance with previously established Region 4 FY09 LUST assistance agreement guidance.	ADMINISTRATION (Planning, Evaluation & Reporting)	ACTIVITY	Cooperative Agreement: 2L	Sub-Objective 2. Clean Up and Revitalize Contaminated Land: By 2011, control the risks to h contaminated properties or sites through cleanup, stabilization, or other action, and make lan	Objective 2. Restore Land: By 2011, control the risks to human health and the environment by mitigating the impact of accidental or intentional releases and by cleaning up and restoring contaminated sites or properties to appropriate levels.	al 3. Land Preservation and Restoration
OSWER Directive 9650.10A, RCRA Section 9003(h)	OUST Recovery Act Program Guidance – June 2009	OSWER Directive 9650.10A,		REFERENCE		d Land: By 2011, co illization, or other ac	o human health and ontaminated sites or	
		Submit with final work plan within 30 days of award, or 07/13/09	POE	DATE			the environment by properties to appro	
Pursuant to the OSWER Directive 9650.10A (pp. 15 & 16), the Tennessee Prioritization system is used to determine a site's priority for Trust Fund expenditures with emphasis on immediate health	The Division intends to use the fund to clean up 44 petroleum UST facilities.  The Division of Underground Storage Tanks intends to obligate at least 35% of the funds and expend at least 15% of the funds within nine months of the award.	The Consolidated Budget will be included with the final work plan, except for Part III (individual site plans). The latitude and longitude for each site will be included on these site work plans. The site work plans will be complete prior to the first reporting period.	STATE COMMITMENTS	EPA RECOMMENDATIONS FOR		uman health and the environment on distribution distribut	y mitigating the impact of accidental or ropriate levels.	

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		Implement quality assurance practices pursuant to EPA approved Quality Management Plan (QMP), and develop project-specific Quality Assurance Project Plan (QAPPs) as needed for the LUST investigations and cleanup projects.
		OSWER Directive 9650 10A Section XI, 40 CFR §31.45
Once completed and approved by the EPA, this QAPP shall be used by both UST staff members and contractors employed by UST to complete activities funded by the Federal Leaking UST Trust Fund.	UST submitted a draft Quality Assurance Project Plan (QAPP) for field sampling and monitoring at UST sites in January 2006. Following the January 2006 QAPP submittal, TDEC attended several "Quality" conferences, met with Denise Goddard, and initiated several conference calls with Denise Goddard. A second draft QAPP was submitted in November 2008 and approval with comments was returned to TDEC in December 2008. TDEC is currently addressing the comments and will resubmit the QAPP for review upon completion.	TDEC has agreed to develop and implement a Quality Management Plan for activities that generate and utilize environmental data. This Quality Management Plan requires TDEC to insure that environmental data generated and it uses to make environmental decisions is scientifically sound, legally defensible and meets defined precision and accuracy requirements. 40 CFR 30, 40 CFR 31 and 48 CFR 46 and the Department's contracts with contractors require that those receiving federal funds also meet quality management system requirements.

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ADMINISTRATION (Planning, Evaluation & Reporting) continued
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Submit Quarterly Performance Reports. The narrative is to include the elements under the EPA Recommendations column to the right, as well as all activity measures reporting noted in this cooperative agreement work plan.  Davis-Bacon Act wage requirements reporting, if applicable.  Required Section 1512 reporting	Develop and maintain an adequately trained staff to carry out the enforcement, corrective action, and cost Recovery Activities described in this work plan.
OSWER Directive 9650.10A, 40 CFR §31.40 OUST Recovery Act Program Guidance – June 2009 2 CFR 176.20(c) 40 CFR 31.43 OMB Guidance on Recipient Reporting	OSWER Directive 9650.10A, EPA Order 5700.7
Quarterly Reports Oct. 10 Jan. 10 April 10 July 10	
The Division will compile and send the required information quarterly. The reports will include:  1) The status of each work plan task; 2) A summary of accomplishments and discussion of problems impacting or expected to impact performance; 3) Identification of tasks not on schedule and proposed dates of completion; and 4) Davis-Bacon Act compliance verification and sampling  The Division will also compile and submit all the information required by the 1512 reporting guidelines.	The Division will continue to send staff to all available training activities subject to travel and budget constraints. EPA supported travel expenses continue to improve our ability to participate in such activities and is appreciated. Additional EPA sponsored and funded technical assistance and training is needed. The Division provides in-house training annually during statewide staff meetings in the early fall, including sessions for corrective action case managers and compliance inspectors. Extensive training was conducted during the month of May and June 2009 on corrective action and costs. Additional training sessions are anticipated to be scheduled in the fall of 2009 and spring of 2010 for these areas as well this year as the department and budget allows. Additional training is conducted as needed basis on policy and guidelines development or revision

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- clean up contaminated soil and water.	<ul> <li>provide for temporary or permanent relocation of residents; and</li> </ul>	<ul> <li>provide safe drinking water to residents at the site of a tank leak;</li> </ul>	- assess how many individuals may have been exposed to petroleum contaminants and the seriousness of the exposure, and estimate resulting health risks;	<ul> <li>receive, review, and evaluate required and voluntarily submitted corrective action plans and reports of the results of implementing the plans;</li> </ul>	- receive and review free product removal reports and determine practical extent of free product removal;	- request and review reports of investigations of the magnitude and extent of soil and ground-water contamination;	- review initial site characterization reports and determine need for further action;	<ul> <li>investigate sites to evaluate the source and extent of contamination;</li> </ul>	Implement corrective actions that are consistent with the substantive requirements of 40 CFR §280.60 – 280.66, including the following:	CORRECTIVE ACTION	ACTIVITY
									OSWER Directive 9650.10A, 40 CFR §280.60 – 280.66		REFERENCE
											DATE DUE
				conduct the needed work and seek cost recovery from the RP.	database. The contractor seeks reimbursement for all reasonable and eligible expenses from the UST Fund. If the RP is unresponsive or untimely, the Division may utilize the state contractor to	for technical merit, cost effectiveness and performance and maintained in the case file. All case work is tracked in the Division's cleanup	procedures are followed in a timely manner. All reports and plans for each phase of the investigation and cleaning process are reviewed.	the first column are managed by the RP contractor with oversight from the Division to insure all	The Division has established investigation and cleanup regulations, policies and procedures for contractors to complete on behalf of the responsible party (RP). All guidance is available		EPA RECOMMENDATIONS FOR STATE COMMITMENTS

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			format.	and/or 1,2-DCA using previously agreed	and 1,2-DCA. Report detections of EDB	sites must be sampled at least once for EDB	DCA at MCL. All ground water monitoring	must be capable of detecting EDB and 1,2-	I I I ST Truct Fund sites   Analytical method	tank closure assessments, site assessments,	(1,2-DCA) as chemicals of concern during	dibromide (EDB), and 1, 2-dichloroethane	Include MTBE, other oxygenates, ethylene		consistent with 40 CFR §280.67.	Conduct public participation activities that are
											-	requirement	OUST & Regional	8200.07	9650.10A, 40 CFR	OSWER Directive
2.7										-	detections	reporting of	Quarterly			
Also, please refer to the 7/16/04 letter to John Mason and the 11/15/04 letter to Bill Truman for more information.	sampled at least once for the presence of EDB and/or 1,2-DCA.	groundwater above the MCL. All groundwater monitoring wells at LUST Trust sites will be	where EDB and/or 1,2-DCA is detected in the	method with the appropriate detection limit. The	DCA at LUST Trust sites and analyzed by a	Samples will be collected for MtBE. EDB and 1.2-	and Method 8011 utilized.	respectively since 11/1/01. Samples will be	aviation fuel sites via Methods 8260B and 200.7	analyses have been required to be assessed at	tank closure since 7/1/00. EDB, EDC and lead	corrective action and has been required during	MTBE (Method 8260B) analysis has been	or termination.	RP provide public notice for all Corrective Action	The Division has regulatory requirements that the

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	Incorporate sustainable remediation practices (Green Remediation) where possible.	Cleanups Completed Total Cleanups Completed (direct and indirect) Direct Cleanups Completed	Cleanups Initiated Total Cleanups Initiated (direct and indirect) Direct Cleanups Initiated	Total Assessments Completed (direct and indirect) Direct Cleanups Initiated	Direct Assessments Completed Site Assessments Completed	Site Assessments Initiated Total Assessments Initiated (direct and	On a quarterly basis, identify the following accomplishments utilizing Recovery Act funds during the project period. Include:
March 6, 2009 letter from ARA Stanley Meiburg to State Agency Commissioners	OUST & Regional recommendation				Act Program Guidance – June 2009	CFR §31.40(b)  OUST Recovery	2006-2011 EPA Strategic Plan, EPA Order 5700.7, 40
	Report efforts Quarterly				April 10 July 10	Oct 10 Jan. 10	Quarterly
site cleanups runded by AKKA.	Where possible, the Division will incorporate sustainable remediation practices at LUST Trust		Cleanups Completed Total Cleanups Completed (direct and indirect) Direct Cleanups Completed	Cleanups Initiated Total Cleanups Initiated (direct and indirect) Direct Cleanups Initiated	Site Assessments Completed Total Assessments Completed (direct and indirect) Direct Cleanups Initiated	Total Assessments Initiated (direct and indirect) Direct Assessments Completed	The Division will compile and send the required information quarterly. The reports will include:

TASK	ACTIVITY	REFERENCE	DATE	EPA RECOMMENDATIONS FOR STATE COMMITMENTS
COSTR	COST RECOVERY			
-	Make reasonable efforts to recover Recovery Act LUST Trust Fund expenditures, including interest, from liable owners/operators.	OSWER Directive 9610.10A (Special Conditions)	Quarterly	The Division continues to cost recover against responsible parties whenever possible.
		OUST Recovery Act Program Guidance – June 2009		
N	Dedicate recovered LUST Trust Fund expenditures back to LUST Trust Fund-eligible activities.	OSWER Directive 9610.10A (Special Conditions)	Quarterly	The Division will continue to use the LUST Trust cost recovered funds at other LUST Trust Fund eligible sites and maintain a site specific
		40 CFR §31.25		accounting when those funds are expended.  LUST Trust Funds recovered by the Division are maintained in their own cost center. The funds expended from this cost center for cleanup are
ω	Notify EPA promptly of any reduction in its authority to recover response expenditures (e.g., successful challenge to its statutory authority).	OSWER Directive 9610.10A (Special Conditions)	Immediate	The Division will notify the EPA of any reduction in the State's authority to recover expenditures of LUST Trust Fund monies.

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																	cost recovery efforts.	appropriate records in support of any future	Maintain supporting documentation and
1989).	Handbook (March	Management	Financial	Fund State	Storage Tank Trust	Underground	Leaking	Fund, May 1994;	Storage Tank Trust	Underground	the Leaking	Recovery Policy for	Handbook, Cost	Management	Financial	Trust Fund State	Conditions), LUST	9610.10A (Special	OSWER Directive
														General	of Inspector	request by Office	reviews or upon	formal EPA	Available at
											expenditures by site and by activity.	implemented July 1, 2009 and will be able to track	based system is tentatively scheduled to be	implemented in FY07-09. This database and task	the three LUST Trust contractors was	LUST tracking. Pilot testing of a cost database by	Automated and paper systems are in use for	accounting system as required by the EPA.	The Division continues to maintain a site-specific

# RECOVERY ACT LUST TRUST FUND WORK PLAN ELEMENT ESTIMATES

STATE: TENNESSEE

PROJECT PERIOD: May 15, 2009 to September 30, 2011

BUDGET PERIOD: May 15, 2009 to September 30, 2011

TOTALS	3. COST RECOVERY	2. CORRECTIVE ACTION	1. ADMINISTRATION	WORK PLAN ELEMENT
				STATE
\$4,681,000		\$4,681,000		FEDERAL FUNDING
\$4,681,000		\$4,681,000		TOTAL FUNDING
				WORKYEARS

# LUST work plan completion check list:

- $\sqrt{}$  State authority certification to carry out the enforcement, corrective action and cost recovery activities attached, in accordance with OSWER Directive 9650.10A?
- 9650.10A? √ Consolidated budget as needed to satisfy site-specific activity information requirement attached, in OSWER Directive
- √ Prioritization system with sites addressed with Recovery Act LUST Trust Fund monies are in the higher priority classes?
- √ Training program description attached?
- V Public participation program addresses federal requirements?
- Accounting practices for recovered LUST Trust Funds are well documented at the State?

# TENNESSEE FY 2009 LEAKING UNDERGROUND STORAGE TANK (LUST) RECOVERY ACT CONSOLIDATED BUDGET

# PART I. CONSOLIDATED BUDGET FOR FY2009

0	•		I. STATE SHARE
\$ 4,681,000	\$ 4,681,000		k. TOTAL
\$	\$		j. INDIRECT COSTS
\$ 4,681,000	\$ 4,681,000		i. TOTAL DIRECT COSTS
\$ 0	8		h. OTHER
			g. CONSTRUCTION
S 3,421,000	\$ 3,421,000	\$	f. CONTRACTUAL
\$ 0	\$ 0		e. SUPPLIES
\$ 1,260,0000	\$ 1,260,0000		d. EQUIPMENT
\$ 0	8		c. TRAVEL
\$	S		b. FRINGE BENEFITS
\$ 0	8 0		a. PERSONNEL
4. CONSOLIDATED BUDGET FY2009	3. CURRENT YEAR FUNDS FY2009	2. RECOVERED FUNDS	1. OBJECT CLASS CATEGORY

# TN LEAKING UNDERGROUND STORAGE RECOVERY ACT **CONSOLIDATED BUDGET FOR FY2009-2010**

as of 6/30/09

27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	=======================================	10	9	8	7	6	5	4	ω	2	_	
Roy Ledford Video Shop	Bobs Gulf Station	Holloway Trading Post	Hilltop Grocery	Halcomb Grocery	Potter's Market	C & M Cabinet	C & W Market	S&L Market	Cedar Fork Market	Sunnyside Shell	Macy Lee Texaco aka Friendsville Texaco	Omar's Awning	H&P Amoco	AAA Sign Service	Hop-Inn Food Store #163	Jones & Rice	Poplar Ridge	Jr. Stanton/Sutherland Market	Martin Grocery	Dale Broyles/Ben Gregory	West Main Amoco	Johnny's Merit Mart	Dave's Oil #1	Tommy's Community Market	Mills Property	Old Mountaineer	1. FACILITY NAME
21	Not Ranked	2	3	Not Ranked	٥٦ ا	17	Not Ranked	19	10	13	8	Not Ranked	Not Ranked	Not Ranked	Not Ranked	4	7	Not Ranked	14	Not Ranked	Not Ranked	15	23	11	Not Ranked	22	2. Priority Ranking
190		575	480	3.4	365	222		207	297	272	337					402	350		270			260	107	280		115	Priority Score
3-060186	3-060017	3-040042	2-730059	2-620059	2-470518	2-290105	2-290066	2-290046	2-130090	2-130052	2-059005	1-900458	1-900373	1-900354	1-900145	1-869001	1-460078	1-379006	1-340011	1-309014	1-300206	1-300169	1-300046	1-300007	1-100185	1-100079	Facility ID#
\$ 50,000	\$ 30,000	\$ 225,000	\$ 250,000	\$ 250,000	\$ 300,000	\$ 55,000	\$ 30,000	\$ 250,000	\$ 800,000	\$ 800,000	\$ 500,000	\$ 30,000	000,08	000,08 \$	\$ 30,000	\$ 100,000	\$ 400,000	\$ 25,000	\$ 30,000	\$ 100,000	\$ 25,000	\$ 500,000	\$ 30,000	\$ 300,000	\$ 35,000	\$ 50,000	3. Estimated Total Costs
<del>\$</del>	\$ -	\$	\$ -	\$	\$ -	\$ -	\$ -	\$ -	\$ -	<del>\$</del>	<del>\$</del>	<del>\$</del>	<del>\$</del>	<del>\$</del>	\$ -	\$	\$ -	<del>\$</del>	<del>\$</del>	<b>⇔</b> -	<del>\$</del>	<del>\$</del>	\$	\$	\$	\$ -	4. Current Expenditures (as of 6/30/09)
\$	<del>\$</del>	\$	\$	<del>\$</del>	<del>\$</del>	\$	\$	\$	\$	<del>\$</del>	<del>\$</del>	↔	<del>\$</del>	<del>\$</del>	\$	-	\$	<del>\$</del>	<del>\$</del>	<del>\$</del>	<del>\$</del>	<del>\$</del>	\$	<b>⇔</b>	\$	\$	5. Unliquidated Obligations (as of 6/30/09)
\$ 40,000		\$ 218,000	\$ 233,000		\$ 208,000	\$ 10,000	\$ 25,000		\$ 208,000		N			\$ 25,000	\$ 25,000	\$ 25,000	\$ 208,000	\$ 25,000		\$ 15,000		2	\$ 25,000	\$ 208,000		\$ 15,000	6. FY09 Planned Spending

## PART II.A.

	44 C	_		41 H	40 Q	39 C	38 G	37 S	36 C	35 W	34 F	33 R	32 P	31 W	30 E	29 N	28 4	
	Clark Lindsey Grocery	Eastview Gulf	Richards Agency	Hardeman Fayette Farmers Co-op	Quick Stop #2	Charles Archie Residence	Greg's One Stop	Southgate Auto	Crown One	Whites Creek Gulf	Fleet Transport	Rocky Mound	Pappy John Grocery (aka 3-619007)	Woods Memorial	Evans Disposal Service	Majic Market	41 A Fill Up	1. FACILITY NAME
	Not Ranked	Not Ranked	9	16		12	Not Ranked	Not Ranked	Not Ranked	Not Ranked	Not Ranked	18	Not Ranked	20	6	Not Ranked	Not Ranked	2. Priority Ranking
			318	260	639	277						210		195	365			Priority Score
	8-570058	8-550015	8-380104	8-240116	8-120059	7-929006	7-170038	6-910080	6-160234	5-191545	5-190270	4-560064	3-610025	3-540215	3-331196	3-330483	3-260031	Facility ID#
\$ 9,215,000.00	\$ 30,000	\$ 25,000	\$ 800,000	\$ 500,000	\$ 1,000,000	\$ 700,000	\$ 25,000	\$ 40,000	\$ 40,000	\$ 30,000	\$ 30,000	\$ 350,000	\$ 30,000	\$ 250,000	\$ 30,000	\$ 30,000	\$ 50,000	3. Estimated Total Costs
\$ -	\$ -	\$	\$	<del>\$</del>	\$	\$ -	\$ -	\$ -	\$	<del>\$</del>	<del>\$</del>	-	\$	\$	<del>\$</del>	\$	\$ -	Expenditures (as of 6/30/09)
\$	\$	\$	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$	\$ -	\$ -	\$ -	\$	\$ -	\$	Obligations (as of 6/30/09)
\$ 4,681,000	\$ 25,000	\$ 20,000	\$ 273,000	\$ 82,000	\$ 494,000	\$ 208,000	\$ 20,000	\$ 40,000	\$ 35,000	\$ 25,000	\$ 25,000	\$ 218,000	\$ 25,000	\$ 218,000	\$ 25,000	\$ 25,000	\$ 25,000	6. FY09 Planned Spending

Not Ranked due to lack of information List of sites subject to change

## TENNESSEE LEAKING UNDERGROUND STORAGE TANK (LUST) RECOVERY ACT CONSOLIDATED BUDGET

## PART II.B. - RESERVE FUNDS FOR FY2009-2010

### **INSTRUCTIONS:**

- Fill in the amount for all blanks.
- Items (1) (2), and (3), are from Parts I and II.A., as indicated.
- Reserve is calculated by subtracting the sum of items (2) and (3) from item (1).
- If item (5) is greater than ten percent (10%) of item (4) or greater than \$250,000, please provide an explanation in the Comments section below.
- If item (5) is negative, please explain in the Comments section below.

(1)	Total Contractual Funds (As listed in Part I, block 7.f.)	= \$ 4,681,000
(2)	Total Un-liquidated Obligation (As listed in Part II.A, block 5.j.)	= \$0
(3)	Total Planned Funding (As listed in Part II.A, block 6.j.)	= \$ 4,681,000
(4)	Total of lines (2) and (3)	= <u>\$ 4,681,000</u>
(5)	Reserve Funds (Subtract line 4 from line 1.)	= <u>\$ 0</u>
(6)	Total Adjusted Need (Subtract Totals of Current Expenditures (Part II.A, block 4.L), Un-liquidated Obligations (5.L), and FY08 Target Spending (6.L) from Estimated Total Costs (3.L)	= <u>\$ 4,534,000</u>

### **Comments:**

## TENNESSEE FY 2009 LEAKING UNDERGROUND STORAGE TANK (LUST) RECOVERY ACT CONSOLIDATED BUDGET

## PART II.C. - SITES REMOVED FROM LUST RECOVERY ACT CONSOLIDATED BUDGET

### **INSTRUCTIONS:**

- Identify all LUST Trust Fund sites that were removed from the Consolidated Budget during the State's last fiscal year. Include the corresponding facility ID numbers
- List the date the site was removed from the Consolidated Budget.
- Identify with an X in one of the following three (3) columns why the site was removed as a LUST Trust Fund site:
  - ↑ <u>Cleanup Completed</u>: Site has met State regulatory standards for no further action.
  - ↑ <u>Transferred</u>: Site determined to be eligible for the State Fund or returned to Responsible Party for continued cleanup actions.
  - 1 Non-eligible: Release determined to have originated from a source not regulated as a petroleum UST under Subtitle I of RCRA.

Site Name	Facility ID#	Date Removed	Cleanup Completed	Transferred	Non- Eligible
	·				
					: